

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES O'NEAL,

Plaintiff,

v.

MICHAEL MINEV, et al.,

Defendants.

Case No.: 2:23-cv-00903-CDS-NJK

ORDER

On June 6, 2023, *pro se* plaintiff Charles O'Neal, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 together with an application to proceed *in forma pauperis*. Docket Nos. 3, 3-1. The application to proceed *in forma pauperis* is incomplete because Plaintiff did not submit a financial certificate and an inmate trust fund account statement for the previous six-month period with the application. Plaintiff, however, filed a notice stating he submitted his request for an account statement to prison officials 40 days ago but has not yet received it. Docket Nos. 3 at 2, 3-2.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status

1 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate
2 can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

3 Accordingly, for the reasons stated above,

4 IT IS ORDERED that Plaintiff's application for leave to proceed *in forma pauperis* is
5 **DENIED** without prejudice as incomplete. Docket No. 3.

6 IT IS FURTHER ORDERED that, no later than **September 11, 2023**, Plaintiff must either
7 pay the full \$402 filing fee or file a complete application to proceed *in forma pauperis*, including
8 a completed financial certificate that is signed both by the inmate and the prison or jail official and
9 a copy of the inmate's trust fund account statement for the previous six-month period.

10 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
11 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
12 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
13 complete application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Charles O'Neal the approved
15 form application to proceed *in forma pauperis* for an inmate and instructions for the same and
16 retain the complaint and exhibits, Docket No. 3-1, but not file them at this time.

17 IT IS SO ORDERED.

18 DATED: July 13, 2023.

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22 NANCY J. KOPPE
23 UNITED STATES MAGISTRATE JUDGE
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